

Arent Fox

May 13, 2009

FILED ELECTRONICALLY

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Washington, D.C. 20554

Jeffrey E. Rummel

202.715.8479 DIRECT
202.857.6395 FAX
rummel.jeffrey@arentfox.com

Alan G. Fishel

202.857.6450 DIRECT
202.857.6395 FAX
fishel.alan@arentfox.com

RE: Ex Parte Notice, GN Docket No. 09-40
The Commission's Consultative Role in the Broadband Provisions of the Recovery Act

Dear Ms. Dortch:

On behalf of Sunesys, LLC ("Sunesys"), and in accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. §1.1206(b), the undersigned counsel for Sunesys hereby submits the instant notice of *ex parte* presentation.

On May 12, 2009, on behalf of Sunesys, undersigned counsel met with Claude Aiken, William Kehoe and Denise Coca of the Wireline Competition Bureau, and Charles Mathias of the Wireless Telecommunications Bureau. During that meeting, Sunesys presented the attached document. In addition, Alan Fishel had a follow-up telephone conversation with Charles Mathias that same day.

During these discussions, Sunesys addressed matters consistent with its filings in this proceeding. Sunesys explained that it recognizes that the full definition of "underserved" areas may need to incorporate, *in addition to Sunesys' proposed definition*, any other geographic areas that the Commission and NTIA may conclude should be defined as "underserved." In order to ensure that low-income areas and community anchor institutions servicing those areas are included in the definition of "underserved" areas, in the follow-up discussion, Sunesys further clarified that the definition of "underserved" areas should include, at a minimum,

1. The geographic areas defined by the boundaries of school districts eligible for at least an 80% discount under the federal e-rate program;

and

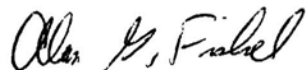
2. Census tracts located in empowerment zones or enterprise communities designated under section 1391, the District of Columbia Enterprise Zone established under section 1400, renewal communities designated under section 1400E, and low-income communities designated under section 45D.

Arent Fox

This notice is being electronically filed with the Commission.

Please do not hesitate to contact the undersigned with any questions that may arise with respect to this filing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Alan G. Fishel". The signature is written in a cursive, flowing style.

Jeffrey E. Rummel
Alan G. Fishel

Attorneys for Sunesys, LLC